

EXHIBIT 1



Corporate Creations Network Inc.
801 US Highway 1 North Palm Beach, FL 33408

AHF, LLC
Jennifer Zimmerman General Counsel
AHF, LLC
3840 Hempland Road PO Box 566
Mountville PA 17554

February 28, 2020

SERVICE OF PROCESS NOTICE

The following is a courtesy summary of the enclosed document(s). **ALL information should be verified by you.**

Item: 2020-2

Note: Any questions regarding the substance of the matter described below, including the status or how to respond, should be directed to the contact set forth in line 12 below or to the court or government agency where the matter is being heard. **IMPORTANT:** All changes or updates to the SOP contact individuals or their contact information must be submitted in writing to SOPcontact@corpcreations.com. Any changes will become effective upon written confirmation of Corporate Creations.

1.	Entity Served: Entity Served If Different:	AHF, LLC Armstrong Hardwood Flooring Company
2.	Title of Action:	David Cox vs. Armstrong Hardwood Flooring Company, et al.
3.	Document(s) Served:	Summons Civil Case Information Statement Complaint Exhibits
4.	Court/Agency:	Randolph County Circuit Court
5.	State Served:	West Virginia
6.	Case Number:	20-C-15
7.	Case Type:	Violation of Public Policy
8.	Method of Service:	Certified Mail
9.	Date Received:	Thursday 02/27/2020
10.	Date to Client:	Friday 02/28/2020
11.	# Days When Answer Due: Answer Due Date:	30 Saturday 03/28/2020 CAUTION: Client is solely responsible for verifying the accuracy of the estimated Answer Due Date. To avoid missing a crucial deadline, we recommend immediately confirming in writing with opposing counsel that the date of the service in their records matches the Date Received.
12.	Sop Sender: (Name, City, State, and Phone Number)	D. Adrian Hoosier, II Charleston, WV 681-265-5000
13.	Shipped To Client By:	Email Only with PDF Link
14.	Tracking Number:	
15.	Handled By:	491
16.	Notes:	

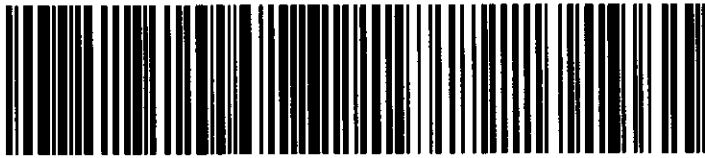
NOTE: This notice and the information above is provided for general informational purposes only and should not be considered a legal opinion. The client and their legal counsel are solely responsible for reviewing the service of process and verifying the accuracy of all information. At Corporate Creations, we take pride in developing systems that effectively manage risk so our clients feel comfortable with the reliability of our service. We always deliver service of process so our clients avoid the risk of a default judgment. As registered agent, our role is to receive and forward service of process. To decrease risk for our clients, it is not our role to determine the merits of whether service of process is valid and effective. It is the role of legal counsel to assess whether service of process is invalid or defective. Registered agent services are provided by Corporate Creations Network Inc.

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E.
Charleston, WV 25305



Mac Warner
Secretary of State
State of West Virginia
Phone: 304-558-6000
886-767-8683
Visit us online:
www.wvsos.com

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9214 8901 1251 3410 0002 6817 98

ARMSTRONG HARDWOOD FLOORING COMPANY NOW:
AHF, LLC
Corporate Creations Network Inc.
126 EAST BURKE STREET
MARTINSBURG, WV 25401

Control Number: 255077

Defendant: ARMSTRONG HARDWOOD
FLOORING COMPANY NOW: AHF,
LLC
126 EAST BURKE STREET
MARTINSBURG, WV 25401 US

Agent: Corporate Creations Network Inc.

County: Randolph

Civil Action: 20-C-15

Certified Number: 92148901125134100002681798

Service Date: 2/21/2020

I am enclosing:

1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in your name and on your behalf.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on your behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

A handwritten signature in cursive script that reads "Mac Warner".

Mac Warner
Secretary of State

IN THE CIRCUIT COURT OF RANDOLPH COUNTY, WEST VIRGINIA

DAVID COX,

Plaintiff,

v.

Civil Action Number: 20-C-15

Judge: David H. Wilmoth

ARMSTRONG HARDWOOD FLOORING COMPANY
-CORPORATE CREATIONS NETWORK, INC.-
126 EAST BURKE STREET
MARTINSBURG, WEST VIRGINIA 25401,

And BLAIR LOUK, a resident of Randolph County,
West Virginia,

And STEVE SWECKER, a resident of Randolph County,
West Virginia

Defendants.

SUMMONS

TO: Armstrong Hardwood Flooring Company
-Corporate Creations Network, Inc.-
126 East Burke Street
Martinsburg, West Virginia 25401

IN THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon D. Adrian Hoosier, II, Plaintiff's Attorney, whose address is 213 Hale Street, Suite 100, Charleston, West Virginia 25301, an Answer, including any related Counter Claim you may have, to the Complaint filed against you in the above styled civil action, a true copy of which is herewith delivered to you. You are required to serve your Answer within thirty (30) days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint and you will be thereafter barred for asserting in another action any claim you may have which must be asserted by counterclaim in the above- styled civil action.

Dated: 2-18-2020

PHILIP D. RIGGLEMAN

Circuit Clerk

By Rose S. S. Dupont

IN THE CIRCUIT COURT OF RANDOLPH COUNTY, WEST VIRGINIA

FILED
CIVIL CASE INFORMATION STATEMENT
 (Civil Cases Other than Domestic Relations)

I. CASE STYLE: 2020 FEB 18 P 12:18Case No. 20-C-15

Plaintiff(s)

CIRCUIT CLERK'S OFFICE

Judge: DAVID H. WILMOTH

David Cox

BY _____ DEPUTY

vs.

Defendant(s)

Days to

Answer

Type of Service

Armstrong Hardwood Flooring Company

30

Secretary of State

Name

126 East Burke Street

Street Address

Martinsburg, West Virginia 25401

City, State, Zip Code

II. TYPE OF CASE:

☒ General Civil☐ Mass Litigation [As defined in T.C.R. 26.04(a)]☐ Asbestos☐ FELA Asbestos☐ Other: _____☐ Habeas Corpus/Other Extraordinary Writ☐ Other: _____☐ Adoption☐ Administrative Agency Appeal☐ Civil Appeal from Magistrate Court☐ Miscellaneous Civil Petition☐ Mental Hygiene☐ Guardianship☐ Medical MalpracticeIII. JURY DEMAND: ☒ Yes ☐ No CASE WILL BE READY FOR TRIAL BY (Month/Year): 02 / 2021

IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS?

☐ Yes ☒ No

IF YES, PLEASE SPECIFY:

☐ Wheelchair accessible hearing room and other facilities☐ Reader or other auxiliary aid for the visually impaired☐ Interpreter or other auxiliary aid for the deaf and hard of hearing☐ Spokesperson or other auxiliary aid for the speech impaired☐ Foreign language interpreter-specify language: _____☐ Other: _____Attorney Name: D. Adrian Hoosier, IIFirm: Hoosier Law Firm, PLLCAddress: 213 Hale Street, Suite 100, Charleston, West Virginia 25301Telephone: (681) 265-5000

Representing:

☒ Plaintiff☐ Defendant☐ Cross-Defendant☐ Cross-Complainant☐ 3rd-Party Plaintiff☐ 3rd-Party Defendant☐ Proceeding Without an AttorneyOriginal and 3 copies of complaint enclosed/attached.Dated: 02 / 13 / 2020

Signature: _____

Plaintiff: David Cox, et al Case Number: 20-C- 15

vs.

Defendant: Armstrong Hardwood Flooring Company, et al

**CIVIL CASE INFORMATION STATEMENT
DEFENDANT(S) CONTINUATION PAGE**

Blair Louk

Defendant's Name

126 East Burke Street

Street Address

Martinsburg, West Virginia 25401

City, State, Zip Code

Days to Answer: 30Type of Service: Personal ServiceSteve Swecker

Defendant's Name

126 East Burke Street

Street Address

Martinsburg, West Virginia 25401

City, State, Zip Code

Days to Answer: 30Type of Service: Personal Service

Defendant's Name

Street Address

City, State, Zip Code

Days to Answer: _____

Type of Service: _____

Defendant's Name

Street Address

City, State, Zip Code

Days to Answer: _____

Type of Service: _____

Defendant's Name

Street Address

City, State, Zip Code

Days to Answer: _____

Type of Service: _____

Defendant's Name

Street Address

City, State, Zip Code

Days to Answer: _____

Type of Service: _____

Defendant's Name

Street Address

City, State, Zip Code

Days to Answer: _____

Type of Service: _____

IN THE CIRCUIT COURT OF RANDOLPH COUNTY, WEST VIRGINIA

DAVID COX,

Plaintiff,

v.

Civil Action: 20-c-15
Judge: DAVID H. WILSON

**Armstrong Hardwood Flooring Company
--CORPORATE CREATIONS NETWORK INC.--
126 EAST BURKE STREET
MARTINSBURG, WV, 25401;**

**And, Blair Louk, a resident of Randolph
County, West Virginia,**

**And, Steve Swecker, a resident of Randolph
County West Virginia,**

Defendants.

FILED
RANDOLPH COUNTY
CIRCUIT COURT
2020 FEB 18 P 12:18
CIRCUIT CLERK'S OFFICE
BY _____ DEPUTY

COMPLAINT

1. David Cox brings claims against the named defendants for breach of employment contract, wrongful termination, violations of the WV-Human Rights Act, and public policy (*Harless*).
2. David Cox (hereinafter "Plaintiff" or "Cox") is a resident of Randolph County, West Virginia.
3. Defendant Steve Swecker was a direct supervisor of Cox. Swecker is a resident of Randolph County, West Virginia.
4. Defendant Blair Louk was a direct supervisor of Cox. Louk is a resident of Randolph County, West Virginia.

5. Armstrong Hardwood Flooring Company is a corporation registered to conduct business in the State of West Virginia and did employ Cox in Randolph County, West Virginia.
6. All facts material herein did occur in Randolph County, West Virginia.
7. Jurisdiction and Venue are appropriate in this Court.

GENERAL ALLEGATIONS – FACTUAL SUMMARY

8. Plaintiff restates, as if fully set forth herein, all Paragraphs above referenced in this complaint. The Paragraphs contained in this Complaint's "General Allegations – Factual Summary" support all claims that will be set forth in this Complaint and hereby provide Defendant(s) notice thereof.
9. Cox worked for Armstrong Hardwood Flooring Company (hereinafter "Armstrong" located in Beverly, Randolph County, West Virginia until he was wrongfully terminated on January 3, 2019 by supervisors Louk and Swecker.
10. Cox is a Type 2 diabetic. A disability he didn't hide from anyone at Armstrong.
11. On or about October 2, 2019, Cox was at the offsite warehouse that Armstrong operates to store excess inventory. Cox was in the warehouse with an hourly employee, Zac Harris. Zac Harris (hereinafter sometimes referred to as "Harris") was loading Cox's trailer (Cox was the "spotter driver") with Armstrong products. While Harris was in the process of loading these products to Cox's trailer, Harris was driving forward on the forklift and struck a wall causing damage to the building. Cox immediately stopped him and called his Supervisor, Blair Louk (hereinafter sometimes referred to as "Louk"), to let Louk know what had just happened. Louk came over to the warehouse with the Lead Shipping Clerk, Jeff Cooper. Cox's

supervisor took pictures and started to question Harris, the forklift driver, about what had happened and how it had happened. At that time, Harris started being defensive and immediately blamed Cox for what had happened, saying that Cox had told Harris that he was allowed to drive forward on the forklift with pallets on the forks, which is untrue. Cox has never told Harris or anyone else to drive forward on a forklift with a load on it that obstructs the view that the operator has and poses a danger to anyone or anything. In fact, Defendants didn't even train Cox on forklift operation, but Harris had been trained on forklift operation. Mr. Louk removed Harris from the building and took Harris back to the main warehouse and started an investigation. During the investigation, Cox and Harris were required to give statements about the incident and then Mr. Louk spoke with the rest of the forklift drivers about the incident. No other forklift drivers opined that Cox had allowed loads to be loaded as Harris loaded Cox's truck on 10/3/19.

12. During Cox's employment he had multiple issues with the supervisors and set up to fail. He wasn't provided timely training, wasn't provided JSAs, and given a harsher sanction for Harris' mistake. For example, Cox was required to take on tasks that were not part of his Job. Cox was, however, supposed to be doing other task in his job that he was never provided training to complete; for example, Cox was to be certified on a forklift within 60 days of employment, Cox was to have uniforms provided to him, Cox was supposed to be placed with access to the Beverly Shipping Department "folder" so that Cox would have access to emails and be able to request assistance for the performance of this job.

13. Cox has no knowledge of the forklift driver responsibilities or Job Safety Analysis or "JSA". A JSA is supposed to be completed before any new task/job is undertaken or when a work condition changes. The employee is required to analyze the task/job that he/she is about to complete, then do an assessment of working conditions, potential hazards for the job/task, and note any steps the employee may need to take to complete the task without incident. Once completed the JSA should be given to a supervisor to review and sign. Cox was never provided with any JSA(s) for the job(s) and had never personally laid eyes on any JSA until the incident.

14. Since the incident, Harris was suspended for three days, then he was brought back and immediately sent to another position in the mill on third shift. Cox had a meeting with the HR Dept, Josh Carr, Steve Swecker (Shipping Dept/Finish Line Manager), and Blair Louk, Cox's immediate Supervisor. That meeting took place on October 8, 2019. In that meeting Cox was informed that Armstrong had concluded the investigation and found that Cox was responsible for the occurrence of the incident in Defendants' offsite warehouse, even though Cox had then denied and still denied any responsibility for the incident. Cox stated that he certainly didn't tell Harris to carry an obstructed load on the forklift, and Cox had been provided no forklift training, and not provided a JSA.

15. Mr. Carr (HR Representative) along with Mr. Swecker and Mr. Louk informed Cox that his behavior was in violation of the safety regulations of the Beverly Plant and therefore in lieu of terminating Cox for the violation that he wasn't aware of, he was being instructed to sign a Final Written Warning for Cox's part in the incident. This

was Cox's first incident, and a "Final Written Warning" wasn't warranted and was against policy.

16. Cox informed Defendants that he did not agree with their findings or their punitive actions against Cox, and Cox expressed his desire to file an appeal or do whatever was available to him to try to remedy the injustice that Defendants were trying to force upon Cox. Cox was told by Mr. Carr that Cox had a recourse of appearing in front of the Plant manager in effort to state his case with him and express his concerns to plant manager directly. Cox then told Mr. Carr that he would love to address his concerns with the Plant Manager. Cox was told by Mr. Carr that Carr doubted that a meeting would be possible with the plant manager for a week, at least. Cox informed Carr that a week would be fine with him as long as he got to tell the plant manager what really happened.

17. On the same day (10/8/19) Cox left Carr's office at approximately 11:30 am. At a little bit after 12 pm, on the same day (or less than an hour later), Cox was told by his Supervisor that he needed to be back in the HR Office at 2:30 pm that afternoon. At 2:30 pm, Cox went back up to Mr. Carr's office where Cox was informed that the plant manager refused to talk to him about the incident.

18. Cox was informed that if he refused to sign that "Final Written Warning" – which was against policy - then Cox would be suspended pending termination. Cox was forced to sign that paper even though he didn't want to agree to the same but had to keep his job.

19. Prior to the incident Cox had applied for a position as an Associate Supervisor. Cox stated to Mr. Carr that he believed that he would never be hired for that

position now, and how much it bothered Cox because he followed procedure and training. Mr. Carr informed Cox at that time that that position Cox had applied for was filled, even though, Mike Bombard, HR Manager had told Cox a couple of days prior that it had not been filled, and that if Cox was not hired for that position, then he would be considered for another Associate Supervisor position that was subsequently posted as available. Cox was also told by Mr. Bombard that the Mill Manager, Wes Dunn, should have been in contact with Cox about the positions, but Dunn never contacted Cox about the positions.

20. Cox was qualified for the position but was retaliated against for reporting a safety violation - "Harris' loading of the truck was not proper". See, Ex. B. He was all but assured one of the two positions, but not considered either.

21. So, after reporting the Harris loading safety violation, Cox, not Harris, was informed that this "Final Written Warning" would be used against Cox in "anyway possible", to which Cox, again, complained about and found very unacceptable to be threatened for reporting a safety violation.

22. Armstrong's continued retaliation has resulted in Cox being denied the Associate Supervisor position.

23. Also, since the incident mentioned above, on the afternoon of October 15th, a forklift driver (Cody Pritt) was driving through the warehouse, when the driver actually struck Louk, with pallets of flooring. This caused Louk to lose the hat off of his head at the time and almost caused Louk to be run over by the forklift. This could have caused serious injury or death to Louk. As an example of Armstrong's treatment disparities in regard to Cox, Armstrong removed the forklift operator from

driving the lift for 3 days, and then allowed him to return to his normal duties after that with no further disciplinary actions taken against him even though he was responsible for the incident that could have seriously injured or killed another person. This pales in comparison to what Cox was accused of in which Cox got far worse punishment for something that Cox honestly had no real responsibility.

24. Cox formally complained of the unfair treatment and unsafe workplace. Cox filed a written complaint about the safety concerns and unfair treatment.

25. After Cox filed the complaint he was treated as an outcast and warned that he would be terminated. For example, before the West Virginia University Football game against Oklahoma, Cox was told that Armstrong had purchased tickets for employees and supervisors to be able to attend the game in Morgantown. Everyone in the office was asked if they would like a ticket to go watch the game together, except Cox. In place, Armstrong asked the other office employees on the phone in front of Cox if they wanted to go, and Cox was excluded.

26. There were numerous occasions where coworkers have brought things in to share with other people in the office, or when Cox's supervisor had brought food to employees in the office, and Cox was excluded. He wasn't allowed to even eat with the team after he filed the Complaint.

27. During this time Cox was complaining about safety issues with his equipment/truck. He filled out logs nearly daily citing very concerning safety issues, that were never corrected. See, Ex. A. Cox was the only employee that regularly got treated in this manner, and it was extremely difficult for Cox to be treated this way on a regular basis.

28. After filing his complaint (Ex. B), he was told that "Final Written Notice" that Cox received for the October incident would be reduced to just a regular Written Notice. This of course was due to the October 2018 complaint he filed with the Compliance Office of Armstrong. See, Ex. B.
29. Still, Cox continued to file written complaints about safety issues almost daily due to a truck he was assigned that was in poor repair. See, Ex. A.
30. In order to try to force Cox to leave, Armstrong continued to accuse Cox of other incidents that were completely inaccurate, or just false.
31. He was accused of backing a trailer into a stationary stop sign attached to the side of the building on the 14th of December, and said that Armstrong had video of the incident and two employees turned Cox into his supervisor. Armstrong also accused Cox of failing to report this incident and used it as an excuse to terminate Cox.
32. Cox was told since Cox did not report an alleged incident, Armstrong had reason to terminate him from employment. Cox did not report the incident because it did not happen. Cox asked Armstrong to see the video of the incident and Armstrong refused to show Cox the video. Cox asked for the trailer number of the trailer that Armstrong claims he backed into the stop sign, Armstrong refused, and Cox was told that Armstrong did not have a trailer number.
33. Cox, however, does know which trailer was involved, and Cox took pictures of that trailer and of the stop sign in question - there is no damage to either. This incident was fabricated in an attempt to terminate Cox.

34. Another incident occurred on the 20th of December. Cox was backing a trailer into the dock #1, and there was a truck in dock #2. That truck in dock #2 was very crooked, Cox tried to back his trailer into the dock #1 and accidentally hit the mirror on the truck in dock #2. It was extremely apparent that the other truck was very crooked and partially in Cox's lane as well as the other truck's own lane. Yet, Armstrong didn't mention that the other truck was incorrectly parked on incident report. Armstrong also didn't admit that the driver side mirror on Cox's truck is held in place by duct tape and moves constantly – which he reported (See, Ex. A). Cox couldn't see properly with a duct taped driver side mirror which moved constantly. Cox had previously reported the incident to his supervisor who was standing nearby and reported it again after the incident. See, Ex. A. Yet the termination report fails to reference either Cox's prior complaints (over a dozen reports of "Driver mirror needs replaced), or Cox's immediate report to supervisor after the accident. See, Ex. A and C (attached).

35. The termination report instead states Cox did not report it immediately the incident – which is untrue.

36. On the 3rd of January 2019 Cox went to back his truck which was located underneath a trailer. Cox had to move the truck into the dock door for loading. The driver that dropped the trailer the night before left the dock in a position that was higher than Cox's truck. Which is unacceptable. This caused Cox to miss the fifth wheel on his truck. When that happened, the trailer then came off the side of Cox's fifth wheel and consequently bent the release handle on Cox's fifth wheel. Cox's supervisor was in a meeting, so Cox reported it to Jeff Cooper, the lead in the

Shipping Department, which is the way it is supposed to be when Cox's supervisor is not available. When Cox was completing the incident report Cox told his supervisor that he did do an inspection and all normal duties prior to backing under the trailer. However, it was dark outside and Cox could not see the height difference in trailers and that resulted in Cox not catching the difference before Cox backed under the trailer. Still, to date, the complaints Cox made of the truck had not been fixed. Cox's supervisor stated in his report that Cox did not do an inspection/risk assessment and that is the reason the incident happened, which is untrue. The inspection Armstrong claims Cox didn't do is attached at the first page of Ex. A. So, despite Cox's supervisor stating that an assessment was not done, it was, and done the exact date of the incident.

37. Armstrong had forced Cox to work in unsafe, hostile, an unsatisfactory work conditions for the last several months of his employment.

38. Cox has attached copies of some the pre-shift inspection reports that he did for his truck every day before he started work. Ex. A. In those reports, Cox noted several safety issues with the truck he was forced to drive and operate every day. Among those safety concerns include his driver side mirror being held in by duct tape and needing replaced, which was never done. The truck having an air leak, the truck actually being hard to control and swaying in the lane, it needed an electric pigtail (from the truck to the trailer) so that the lights on the trailer will work properly (the turn signal lights, etc), the truck vibrates at/or above 35 mph, and the passenger side ball joint/tie rod end needs checked because Cox was sure it needed replaced. All of these things are major safety issues that needed fixed or at least

inspected immediately by qualified mechanic. None of these issues were addressed. Every time Cox would mention these issues to either Cox's supervisor or a mechanic at Armstrong, Cox was told Armstrong has a work order in for the problems, or it will be alright.

39. Plaintiff was earning approximately \$64,000/year while employed with Armstrong including insurance and other benefits calculated at 24% of total wages. He was out of work for 3 months before securing a job – a loss of approximately \$16,000.00. At his new job he doesn't have insurance or benefits and is making \$7,000 to \$9,000 less per year. Thus, his approximate yearly loss, including loss of benefits and insurance, is in the range of \$20,000.00 to \$25,000.00. Plaintiff has well over 10 years to the average retirement age of 67 years old.

COUNT 1 – VIOLATIONS OF PUBLIC POLICY (Counts 1A, 1B, and 1C)

40. Plaintiff restates as set forth herein all above paragraphs of his Complaint.

41. Plaintiff states multiple Public Policy violations herein, included, by not limited to the following:

- a. Public Policy Violation – Compliance with Safety Procedures, Defendants discharge of Plaintiff was due to Plaintiffs concern with safety procedures. *Wiggins v. Eastern Associated Coal Corp.*, 357 S.E.2d 745 (W. Va. 1987).
- b. Public Policy Violation – Company Policy or Governing Authority, Plaintiff was terminated for Plaintiffs complaints about company policy/governing authority. *Collins v. Elkay Mining Co.*, 371 S.E.2d 46 (W. Va. 1988). Defendant's termination of Plaintiff was in violation of this public policy.
- c. Public Policy Violation – Unsafe Equipment/Unsafe Workplace

An employee has a cause of action for wrongful discharge where an employer discharges him for complaints about unsafe equipment/vehicles, or unsafe workplace. *Lilly v. Overnight Transp. Co.*, 425 S.E.2d 214 (W. Va. 1992). Defendant's termination of Plaintiff was in violation of this public policy.

42. The "rule giving the employer the absolute right to discharge an employee at will" has an exception: "[W]here the *employer's motivation* for the discharge contravenes some *substantial public policy* principle, then the employer may be liable to the employee for damages occasioned by the discharge." *Harless v. First National Bank of Fairmont*, 162 W. Va. 116, 246 S.E.2d 270, 275 (1978) (emphasis added). One of the "fundamental rights" of an employee is the "right not to be a victim of a 'retaliatory discharge', that is, a discharge from employment where the employer's motivation for the discharge is in contravention of a substantial public policy." *Mace v. Charleston Area Medical Center Foundation, Inc.*, 188 W. Va. 57, 422 S.E.2d 624, 631 (1992) (quoting *McClung v. Marion County Commission*, 178 W. Va. 444, 360 S.E.2d 221 (1987)).

43. The employee must show that his complaints about or refusal to participate in the improper conduct of the employer "was a substantial or a motivating factor for the discharge." *Tiernan v. Charleston Area Medical Center, Inc.*, 203 W. Va. 135, 506 S.E.2d 578, 587 (1998); accord *Mace v. Charleston Area Medical Center Foundation, Inc.*, 188 W. Va. 57, 422 S.E.2d 624, 631 (1992).

44. Here Plaintiff states that is continued reports about Defendants failure to comply with Safety Procedures was a substantial or motivating factor for this discharge.

The public policy is set forth in *Wiggins v. Eastern Associated Coal Corp.*, 357 S.E.2d 745 (W. Va. 1987). Plaintiff states that Defendant's failure to follow Company Policy or Governing Authority in providing him with warning or education as to alleged violations and/or

45. Plaintiff's complaints about Defendant's failure to follow their own policy and provide him correct warnings was a substantial or motivating factor for this discharge in light of the fact he filed a formal complaint about the failure to follow procedure and was treated differently after. *Supra.*, this public policy is set forth in *Collins v. Elkay Mining Co.*, 371 S.E.2d 46 (W. Va. 1988).

46. Plaintiff states that he was retaliated against and fired for complaints about unsafe equipment/vehicles, or unsafe workplace which he complained of nearly daily (Ex. A) and his complaints about unsafe workplace, unsafe equipment/vehicles was a substantial or motivating factor for this discharge. was a substantial or motivating factor for this discharge. This policy is set forth in *Lilly v. Overnight Transp. Co.*, 425 S.E.2d 214 (W. Va. 1992).

47. The employee need not show that his protected conduct was the "only precipitating factor for the discharge". 506 S.E.2d at 587.

48. Here the "specific statement of public policy" are found in our established decisions cited above. *Supra.*

49. The Public policy claims have a two-year limitation period, and this case if filed well within that time frame. Date of termination January 3, 2019, date of Filing February 12, 2020.

50. In Public policy claims participating supervisory employees may be personally liable,

Harless v. First National Bank in Fairmont, 169 W. Va. 673, 289 S.E.2d 692 (1982) ("Harless 2"). As such, both Louk and Swecker who participated in the violations can be held personally liable.

COUNT 2 – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

51. Plaintiff restates as set forth herein all above paragraphs of his Compliant.

52. Plaintiff states and pleas that Defendants' conduct as aforesaid was atrocious, intolerable, and so extreme and outrageous as to exceed the bounds of decency.

53. Plaintiff states and pleas that the Defendants acted with the intent to inflict emotional distress or acted recklessly when it was certain or substantially certain emotional distress would result from his conduct. *Supra*.

54. Plaintiff states and pleas that the actions of the Defendants caused the Plaintiff to suffer emotional distress. *Supra*.

55. Plaintiff states and pleas that the emotional distress suffered by the Plaintiff was so severe that no reasonable person could be expected to endure it. *Supra*. See also *Love v. Georgia-Pacific Corporation*, 550 S.E.2d 51 (2001).

COUNT THREE – VIOLATION OF THE WV-WPCA

56. Plaintiff restates as set forth herein all above paragraphs of his Compliant.

57. Armstrong illegally deducted money from Cox's check for the Health Insurance even though Armstrong had already canceled Cox's coverage, which caused Cox, and family members to miss medicines and therapy appointments.

58. The West Virginia Wage Payment and Collection Act, W. Va. Code §§ 21-5-1, et seq., which applies to all employers regardless of size, requires that payment for

an employee's service be made in the form of actual money, or an instrument redeemable for money. It also governs the timing of wage payments to employees. The Act is separate and distinct from those laws dealing with minimum wages and maximum hours. Thus, it does not require any particular amount of wages be paid to employees — it merely governs when those payments must be made.

59. Employers must provide laid off employees their wages in full by the next regularly scheduled payday. W. Va. Code § 21-5-4(d). Employees who voluntarily terminate their employment must also be paid their final wages by the next regularly scheduled payday. W. Va. Code § 21-5-4(c). An exception to this rule exists where an employee provides at least one pay period's notice of his resignation. *Id.* In that case, he must be paid his final wages on his last day of employment. *Id.*

60. Discharged employees must be paid their wages in full no later than the next regular payday or within four business days from the discharge date, whichever comes first. W. Va. Code § 21-5-4(b).

61. An employer that fails to timely provide an employee's final check can be held liable for not only the amount of that check, but an additional three times that amount as liquidated damages. W. Va. Code § 21-5-4(e). Moreover, plaintiffs who prevail in their claims under the Act are entitled to the costs of the action, including reasonable attorney fees. W. Va. Code § 21-5-12(b).

62. Under the Act, the term "wages" includes fringe benefits capable of calculation, which would include accrued vacation or other types of leave payable to employees at the conclusion of their employment. W. Va. Code § 21-5-1(c).

63. The Act also prohibits certain deductions from an employee's pay without a wage assignment from the employee. W. Va. Code § 21-5-3. While Health insurance deductions are allowed. They are not allowed when they are not being provided. Here, Armstrong had already cancelled Cox's insurance but deduced the insurance payment from his paycheck. Further, and upon information and belief, Cox was not paid for all accrued wages to be paid upon termination such as vacation pay, or PTO.

COUNT IV – IMPLIED CONTRACT

64. Plaintiff restates as set forth herein all above paragraphs of his Complaint.

65. Supreme Court of Appeals of West Virginia ("Supreme Court of Appeals") has recognized implied employment contracts. Implied contracts are those that are recognized by the Court where there is no official contract, but there is evidence of an implied contractual relationship. See *Cook v. Heck's Inc.*, 342 S.E.2d 453 (W. Va. 1986); *Hogue v. Walker Machinery*, 431 S.E.2d 687 (W. Va. 1993).

66. Additionally, past practices and customs, even if they are not in writing, creates an implied contract.

67. Plaintiff and Defendant entered into a valid implied contract for insurance benefits.

68. Defendant breached the Implied Contract. Defendant breached the contract by charging Plaintiff for insurance premiums that it had already cancelled. Defendants knew they had cancelled the policy but charged Plaintiff anyway. Once the policy was paid, Plaintiff and his family should have been able to enjoy the benefits for the month paid. They were not and have been damaged but the same as they were unable to get prescription medications and attend appointments.

69. Wherefore Plaintiff is entitled to damages as set forth below.

DAMAGES

1. Plaintiff adopts verbatim as if set forth herein each of the allegations and averments set forth in Paragraphs 1 through 68 of Plaintiff's Complaint.
2. As a direct and proximate result of Defendant's actions, Plaintiffs is entitled to damages for 1) indignity, 2) embarrassment, 3) humiliation and 4) emotional distress in an amount to be determined by the jury.
3. 5) "back pay or any other legal or equitable relief". The Supreme Court of Appeals has interpreted "other legal or equitable relief" to include typical tort damages, including 6) emotional distress, 7) front pay, and 8) punitive damages. See *Dobson v. Eastern Associated Coal Corp.*, 422 S.E.2d 494 (W. Va. 1992) (holding that recovery of typical tort damages is permitted by the statutory language and that, specifically, front pay is available); *Akers v. Cabell Huntington Hosp., Inc.*, 599 S.E.2d 769, 777 (W. Va. 2004) (holding that emotional distress damages are available under the Act); Syllabus point 4, *Haynes v. Rhone-Poulenc, Inc.*, 521 S.E.2d 331 (W. Va. 1999) (holding that punitive damages are available under the Act).
4. Defendant's actions were willful, wanton and/or grossly negligent, and, as such, Plaintiffs are entitled to punitive damages.


5. Plaintiffs are also entitled for those aforesaid 9) damages under *Harless, supra*. As the same pertain to the public policy violations (should Plaintiff need to re-amend to re-allege the same).
6. Plaintiffs are also entitled to 10-11) pre/post-judgment interest, 12) costs, and 13) fees.
7. And all other damages which are 14) just and foreseeable herein and/or allowed by 15) common law or 16) statute, or 17) deemed proper by this Honorable Court including but not limited to 18) pain/suffering, 19) medical expenses, 20) loss of enjoyment of life, 21) damages for indignity, 22) embarrassment, 23) humiliation, 24) annoyance, and 25) inconvenience.
8. 26) Damages for Intentional Infliction of Emotional Distress.
9. 27) Damages per the West Virginia Wage Payment and Collection Act, and 28) implied breach of contract.

JURY TRIAL DEMANDED

Plaintiff demands a jury trial on all issues set forth in complaint.

DAVID COX,

By Counsel,


D. Adrian Hoosier, II (WVSB# 10013)
Hoosier Law Firm, PLLC
213 Hale St. – Suite 100
Charleston, WV 25301
Telephone: (681) 265-5000
Facsimile: (681) 265-5001

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	Truck has no air leaks Truck swings in lane Pass. window does not work Need electric pigtail Belt/Pulley squeal Air conditioning doesn't work Vibrates at & above 35 mph Driver mirror needs replaced Pass. side ball joint / tie rod ends checked
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Windshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes	✓	Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name

David Cox

Date

11/3/19

Signature

David Cox



Truck Drivers Pretrip Check Sheet

Outside	
Headlights	✓
Park Lights	✓
Tail Lights	✓
Brake Lights	✓
Flashers	✓
Turn Signals	✓
Hoses Couplers	✓
Fuel Tank	✓
Air Tanks	✓
Oil Level	✓
Steering Fluid	✓
Fuel Level	✓
Radiator Level	✓
Fifth Wheel	✓
Tires	✓
Wheel Lugs	✓
Trailer Inspection	
Trailer Lights	
Trailer Tires	
Trailer Brakes	
Trailer Floor	

[illegible]

Tractor Notes
Truck sways in lane Truck has no air leaks Vibrates at & above 35 mph Bad #1 Pulley squeal Need electric pigtail Driver side mirror needs replaced Pass. side ball joint tie rod needs checked Air conditioning doesn't work

Trailer Notes	

Driver	
Print Name	David Cox
Signature	David Cox

Date	1/2/19
------	--------

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	Truck sways in lane Truck has an air leak Vibrates At & Above 35 mph Need electric pig tail Driver mirror Needs replaced Pass. side ball joint + tie rod needs checked Belt / Pulley squeal Air conditioning doesn't work
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Windshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes		Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name

David Cox

Date

12/27/18

Signature

David Cox

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	Truck surges in lane Truck has an air leak Vibrates at + above 35 mph. Need electric pigtail Transmission / Clutch noise Belt / Pulley squeal Need driver side mirror replaced Air conditioning doesn't work Pass side ball joint / tie rod needs checked
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Windshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes		Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name

David Cox

Date

11/26/18

Signature

David Cox

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	Vibrates at & above 35 mph Truck sways in lane Truck has RV Air leak Need electric pig tail Driver mirror needs replaced Transmission / Clutch noise Belt / Pulley squeal Air conditioning doesn't work Pass. side ball joint / tie rod needs checked
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Windshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes		Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name

David Cox

Date

11/27/18

Signature

David Cox

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	Need Electric pre-trail Transmission / Clutch noise Belt / Pulley squeal Truck has Air air leak Truck swings in lane Air conditioning doesn't work Driver mirror needs replaced Vibrates at + Above 35 mph Pass side ball joint / tie rod needs checked Need glad hand seals
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Windshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes		Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name

David Cox

Date

11/6/18

Signature

David Cox

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	TRUCK HAS AN AIR LEAK TRUCK SWAYS IN LANE Vibrates at Above 35 mph Need electric pigtail Transmission / Clutch noise Belt / Pulley squeal Driver mirror is broken Air conditioning doesn't work Pass side ball joint / tie rod needs checked Grad hand seals needed
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Windshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes	✓	Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name

David Cox

Date

11/05/18

Signature

David Cox

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	Truck sways in lane Truck has no air leak Vibrates at & above 35 mph Need electric pigtail Driver mirror is broken Air conditioning broken - doesn't work Belt / Pulley squeal Transmission / Clutch noise Pass side ball joint / tie rod needs checked Need ghd hand seals
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Windshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes		Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name

David Cox

Date

11/2/18

Signature

David Cox

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	Truck sways in lane Need Driver mirror replaced Vibrates at & above 35mph Belt/Pulley squeal Transmission / Clutch noise Truck has an air leak Air conditioning quit Need electric pigtail Pass. side tie rod / ball joint needs checked
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Winshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes	✓	Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name

David Cox

Date

11/8/18

Signature

David Cox

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	Truck sways in lane Truck has an air leak Vibrates at + above 35 mph Belt / Pulley squeal Transmission / Clutch noise Air conditioning doesn't work Driver mirror needs replaced Need electric pigtail Pass side ball joint / tie rod needs checked
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Windshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes		Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name

David Cox

Date

11/9/18

Signature

David Cox

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	Vibrates At & Above 35 mph Need Electric pigtail Transmission / Clutch noise Belt Pulley squeal Driver mirror needs replaced Truck sways in lane Truck has an air leak Air conditioning doesn't work Engine Pass side ball joint / tie rod needs checked
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Windshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes		Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name

David Cox

Date

11/12/18

Signature

David Cox

Truck Drivers Pretrip Check Sheet

Outside	
Headlights	✓
Park Lights	✓
Tail Lights	✓
Brake Lights	✓
Flashers	✓
Turn Signals	✓
Hoses Couplers	✓
Fuel Tank	✓
Air Tanks	✓
Oil Level	✓
Steering Fluid	✓
Fuel Level	✓
Radiator Level	✓
Fifth Wheel	✓
Tires	✓
Wheel Lugs	✓
Trailer Inspection	
Trailer Lights	
Trailer Tires	
Trailer Brakes	
Trailer Floor	

[illegible]

Tractor Notes	
Vibrates at above 35 mph	
Truck sways in lane	
Truck has an Air leak	
Need electric pig tail	
Driver mirror needs replaced	
Transmission / Clutch noise	
Belt / Pulley squeal	
Air conditioning doesn't work	
Pass. side ball joint / tie rod needs checked	

Trailer Notes	

Driver

Print Name _____

David Cox

Date _____

11/27/18

Signature

David Gao

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	Truck sways in lane Truck has an air leak Vibrates At + Above 35 mph Need electric pig tail Driver mirror needs replaced Pass. side ball joint + tie rod needs checked Belt / Pulley squeal Air conditioning doesn't work
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Winshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes	✓	Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name

David Cox

Date

12/27/18

Signature

David Cox

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	Truck surges in lane Truck has an air leak Vibrates at + above 35 mph. Need electric pigtail Transmission / Clutch noise Belt / Pulley squeal Need driver side mirror replaced Air conditioning doesn't work Pass side ball joint / tie rod needs checked
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Windshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes		Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name

David Cox

Date

11/26/18

Signature

David Cox

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	Vibrates at & Above 35 mph Transmission/Clutch noise Belt/Pulley squeal Need electric pigtail Driver mirror needs replaced Truck sways in lane Truck has no Air leak Air conditioning quit Needs Pass side ball joint/tie rod checked
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Windshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes		Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name

David Cox

Date

11/21/18

Signature

David Cox

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	Vibrates at + Above 35 mph Truck sways in lane Truck has no air leak Trans mission / Clutch noise Belt / Pulley squeal Need electric pigtail Driver side mirror needs replaced Air conditioning doesn't work Pass side ball / Tie rod needs checked
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Windshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes		Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name

David Cox

Date

11/20/18

Signature

David Cox

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	Vibrates At & Above 35 mph Truck sways in lane Truck has an air leak Transmission / Clutch noise Belt / Pulley squeal Driver mirror needs replaced Air conditioning doesn't work Need electric pigtail Ass. side ball joint / tie rod needs checked
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Windshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes	✓	Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name

David Cox

Date

11/16/18

Signature

David Cox

Outside

Inside

Tractor Notes

Trailer Notes

Hand Received and
Scanned 2/8/19
JWH

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	Vibrates At + Above 35 mph Transmission/Clutch noise Belt/Pulley squeal Truck sways in lane Truck has an air leak Driver mirror needs replaced Air conditioner quit Used electric pig tail Pass side ball joint/tie rod needs checked
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Winshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes		Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name

David Cox

Date

11/14/18

Signature

David Cox

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	Truck sways in lane Truck has an air leak Need electric pig tail Vibrates at & above 35 mph Belt / Pulley squeal Transmission / Clutch noise Driver mirror needs replaced Air conditioning doesn't work Pass. side ball joint / tie rod needs checked
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Winshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes		Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name

David Cox

Date

11/13/18

Signature

David Cox

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	Vibrates At & Above 35 mph Need Electric pigtail Transmission / Clutch noise Belt / Pulley squeal Driver mirror needs replaced Truck sways in lane Truck has an air leak Air conditioning doesn't work Truck has Pass side ball joint / tie rod needs checked
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Windshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes		Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name

David Cox

Date

11/12/18

Signature

David Cox

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes	
Headlights	✓	Parking Brake	✓	Truck sways in lane Truck has an air leak Vibrates at + above 35 mph Belt / Pulley squeal Transmission / Clutch noise Air conditioning doesn't work Driver mirror needs replaced Need electric pigtail Pass side ball joint / tie rod needs checked	
Park Lights	✓	Low Air	✓		
Tail Lights	✓	Horn	✓		
Brake Lights	✓	Oil Pressure	✓		
Flashers	✓	Lights and Buzzers	✓		
Turn Signals	✓	Windshield Wipers	✓		
Hoses Couplers	✓	Heater	✓		
Fuel Tank	✓	Defroster	✓		
Air Tanks	✓	Mirrors	✓		
Oil Level	✓	Steering Wheel Play	✓		
Steering Fluid	✓	Trailer Brakes		Trailer Notes	
Fuel Level	✓	Fire Extinguisher			
Radiator Level	✓				
Fifth Wheel	✓				
Tires	✓				
Wheel Lugs	✓				
Trailer Inspection					
Trailer Lights					
Trailer Tires					
Trailer Brakes					
Trailer Floor					

Driver

Print Name _____

David Cox

Date _____

11/9/18

Signature

David Cap

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes	
Headlights	✓	Parking Brake	✓	Truck sways in lane Need Driver mirror replaced Vibrates at & above 35 mph Belt / Pulley squeal Transmission / Clutch noise Truck has an air leak Air conditioning quit Need electric pigtail Pass-side tie rod / ball joint needs checked	
Park Lights	✓	Low Air	✓		
Tail Lights	✓	Horn	✓		
Brake Lights	✓	Oil Pressure	✓		
Flashers	✓	Lights and Buzzers	✓		
Turn Signals	✓	Windshield Wipers	✓		
Hoses Couplers	✓	Heater	✓		
Fuel Tank	✓	Defroster	✓		
Air Tanks	✓	Mirrors	✓		
Oil Level	✓	Steering Wheel Play	✓		
Steering Fluid	✓	Trailer Brakes			
Fuel Level	✓	Fire Extinguisher	✓		
Radiator Level	✓				
Fifth Wheel	✓				
Tires	✓				
Wheel Lugs	✓				
Trailer Inspection					
Trailer Lights					
Trailer Tires					
Trailer Brakes					
Trailer Floor					

Driver

Print Name _____

David Cox

Date _____

11	8	18
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Signature

David Cao

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	TRUCK HAS AN AIR LEAK TRUCK SWAYS IN LANE Vibrates at Above 35 mph Need electric pigtail Transmission / Clutch noise Belt / Pulley squeal Driver mirror is broken Air conditioning doesn't work Pass side ball joint / tie rod needs checked Grad hand seals needed
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Winshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes		Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name	David Cox
Signature	David Cox

Date	11/05/18
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Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	Truck sways in lane Truck has no air leak Vibrates at & above 35 mph Need electric pigtail Driver mirror is broken Air conditioning broken - doesn't work Belt / Pulley squeal Transmission / Clutch noise Pass side ball joint / tie rod needs checked Need glad hand seals
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Windshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes		Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name

David Cox

Date

11/2/18

Signature

David Cox

[illegible]

Date	11/1/18
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Signature	<i>[Signature]</i>
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Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	Vibrates at & above 35 mph Transmission / Clutch noise Belt / Pulley squeal Air conditioning broken Driver mirror needs replaced Truck sways in lane Truck has an air leak Need electric pigtail Pass side ball joint / tie rod needs checked
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Windshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes	✓	Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name

David Cox

Date

11/15/18

Signature

David Cox

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	Vibrates At + Above 35 mph Transmission / Clutch noise Belt / Pulley squeal Truck sways in lane Truck has an air leak Driver mirror needs replaced Air conditioner quit Used electric pig tail Pass side ball joint tie rod needs checked
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Windshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes		Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name

David Cox

Date

11/19/18

Signature

David Cox

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	Truck sways in lane Truck has an air leak Need electric pig tail Vibrates at & above 35 mph Belt / Pulley squeal Transmission / Clutch noise Driver mirror needs replaced Air conditioning doesn't work Pass. side ball joint / tie rod needs checked
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Windshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes		Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name

David Cox

Date

11/13/18

Signature

David Cox

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes	
Headlights	✓	Parking Brake	✓	Vibrates at & Above 35 mph Need Electric pigtail Transmission / Clutch noise Belt / Pulley squeal Driver mirror needs replaced Truck sways in lane Truck has an air leak Air conditioning doesn't work Pass side Pass side ball joint / tie rod needs checked	
Park Lights	✓	Low Air	✓		
Tail Lights	✓	Horn	✓		
Brake Lights	✓	Oil Pressure	✓		
Flashers	✓	Lights and Buzzers	✓		
Turn Signals	✓	Winshield Wipers	✓		
Hoses Couplers	✓	Heater	✓		
Fuel Tank	✓	Defroster	✓		
Air Tanks	✓	Mirrors	✓		
Oil Level	✓	Steering Wheel Play	✓		
Steering Fluid	✓	Trailer Brakes		Trailer Notes	
Fuel Level	✓	Fire Extinguisher	✓		
Radiator Level	✓				
Fifth Wheel	✓				
Tires	✓				
Wheel Lugs	✓				
Trailer Inspection					
Trailer Lights					
Trailer Tires					
Trailer Brakes					
Trailer Floor					

Driver

Print Name

David Cox

Date

11/12/18

Signature

David Cox

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	Vibrates At & Above 35 mph Transmission/Clutch noise Belt/Pulley squeal Need electric pigtail Driver mirror needs replaced Truck sways in lane Truck has NO Air leak Air conditioning quit Needs Pass side ball joint/tie rod checked
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Windshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes	✓	Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name

David Cox

Date

11/21/18

Signature

David Cox

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	Truck surges in lane Truck has an air leak Vibrates at + above 35 mph. Need electric pigtail Transmission / Clutch noise Belt / Pulley squeal Need driver side mirror replaced Air conditioning doesn't work Pass side ball joint / tie rod needs checked
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Windshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes		Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name

David Cox

Date

11/20/18

Signature

David Cox

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	Vibrates at above 35 mph Truck sways in lane Truck has Air Air leak Need electric pig tail Driver mirror needs replaced Transmission / Clutch noise Belt / Pulley squeal Air conditioning doesn't work Pass. side ball joint / tie rod needs checked
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Windshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes		Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name David Cox

Date

11/27/18

Signature

David Cox

Truck Drivers Pretrip Check Sheet

Outside		Inside		Tractor Notes
Headlights	✓	Parking Brake	✓	Vibrates At & Above 35 mph Transmission/Clutch noise Belt/Pulley squeal Need electric pigtail Driver mirror needs replaced Truck sways in lane Truck has no Air leak Air conditioning quit Needs Pass side ball joint/tie rod checked
Park Lights	✓	Low Air	✓	
Tail Lights	✓	Horn	✓	
Brake Lights	✓	Oil Pressure	✓	
Flashers	✓	Lights and Buzzers	✓	
Turn Signals	✓	Windshield Wipers	✓	
Hoses Couplers	✓	Heater	✓	
Fuel Tank	✓	Defroster	✓	
Air Tanks	✓	Mirrors	✓	
Oil Level	✓	Steering Wheel Play	✓	
Steering Fluid	✓	Trailer Brakes		Trailer Notes
Fuel Level	✓	Fire Extinguisher	✓	
Radiator Level	✓			
Fifth Wheel	✓			
Tires	✓			
Wheel Lugs	✓			
Trailer Inspection				
Trailer Lights				
Trailer Tires				
Trailer Brakes				
Trailer Floor				

Driver

Print Name

David Cox

Date

11/21/18

Signature

David Cox

Report Details

Report Submission Date

10/11/2018

Reported Company/Branch Information

Location Somerset

630 Industry Road

City/State/Zip: Somerset, KY, 42501, United States)

Relationship to the Company or Organization?

Employee

Please identify the person(s) engaged in this behavior:

Blair Louk - supervisor

Do you suspect or know that a supervisor or management is involved?

Yes

If yes, then who?

Blair Louk, supervisor

Is management aware of this problem?

Do Not Know / Do Not Wish To Disclose

What is the general nature of this matter?

Since approximately May 2018, David has experienced a hostile work environment.

Where did this incident or violation occur?

Armstrong Dr (exact street address unknown)

Beverly, WV (zip code unknown)

Please provide the specific or approximate time this incident occurred:

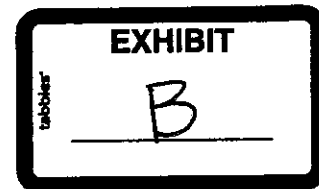
Since approximately May 2018,

How long do you think this problem has been going on?

3 months to a year

How did you become aware of this violation?

It happened to me



Details

Since approximately May 2018, David has experienced a hostile work environment. David feels that everyone in the office is responsible for the harassment he experiences. Employees (names and job titles unknown) isolate David and do not include him in activities. Everyone in the shipping department got a flashlight except for David. In addition, all of the employees (names and job titles unknown) in the shipping department have been taken to see the new warehouse except David. An employee (name and job title unknown) brought in a dessert that was shared with everyone but David. David has never been fully trained on the job. Furthermore, David applied for a supervisor position based on his merit, which, after a month of waiting and an interview, David did not receive. David is concerned that Josh Carr, human resources, as well as Blair, interfered with his promotion. Josh had lied about the position being filled, to David.

On October 2, while at an offsite office, David was overseeing an hourly union employee (name and job title unknown). The employee was improperly operating a forklift and crashed into a block wall.

During the investigation, the employee blamed David for giving direction to do this behavior, which is untrue. The employee was suspended for three days for his part in the situation, then given a different position. Josh gave David a final written notice regarding the situation. In addition, Josh informed David that the plant manager (name unknown) refused to see David, which David feels is unfair. David is concerned that he has been treated like an outsider by the rest of the shipping department.

David asks for these behaviors to stop.

Follow-Up Notes

There are no additional notes for this report.

Follow-Up Questions/Comments

10/30/2018 9:18 AM posted by Organization

Thank you for contacting the Armstrong Flooring Ethics Line. We have received your report dated 10/24/18 and are looking into the concerns you raised. If you would be willing, please confidentially contact Jana Keck, Compliance Manager, at 717.672.9191. If not, pls. check back on November 6 for an update. Thank you.

11/6/2018 3:42 PM posted by Organization

Thank you for contacting the Armstrong Flooring Ethics Line. We are still conducting an investigation into the issue you raised regarding the written warning you received. Pls. check back in a few days for additional information. Thank you for your patience.

Chat Transcripts

There are no chat transcripts for this incident.



Today's Date 3-Jan-19

Name of Employee David Cox Position Transfer Coordinator

Date of Incident 12/14/18, 12/20/18 and 1/3/19

Supervisor/Supintendent Blair Louk Time 3:15 PM Shift 1st

Location 12/14/18 - Failure to Report Property Damage. Mr. Cox had a Final Written Warning reduced to a Written Warning on 12/4/18. This incident on 12/14/18 results in a Final Written Warning plus Suspension. The incident of 12/20/18 results in Discharge as the Final Step in the Progressive Discipline Process.

Description of Incident 12/14/18 - Mr. Cox was backing a trailer into the dock area and struck a stationary stop sign which scrapped the side of the trailer. Mr. Cox did not report the damage as required. There were two witnesses to the incident.

12/20/18 - Only six days from the 12/14/18 incident Mr. Cox was attempting to back into dock #1. As he backed into the dock he struck the mirror of his truck with the mirror of another truck. This incident was witnessed by Supervisor. Mr. Cox violated Armstrong's Code of Business Conduct, Beverly Plant Safety Policy BEV-SA-WI, ES001 6. Employees (A) Report all injuries and property damage immediately, and Global Safety Policy page 25 Standards of Conduct (D). Mr. Cox had another incident on 1/3/19 when he was backing under the trailer to hook up and did not do an inspection prior to backing under the trailer. Failure to do an inspection/risk assessment resulted in damage to the fifth wheel hitch. Mr. Cox has a history of safety related incidents and carelessness. David Cox is discharged effective 1/3/2019.

Employee Response

Is this a repeat incident?
(Y or N)



Action Taken
(Check appropriate box)

- ☐ Coaching (Re-Training)
- ☐ Written Warning
- ☐ Suspension (Pending Investigation)
- ☐ Suspension _____ Days
- ☐ Last Chance Agreement (requires HR approval)
- ☐ Termination (requires HR Approval)
- ☐ Other _____ Description _____

David Cox 1/3/19
Employee Date

Blair R. Louk 1-3-19
Supervisor Date

[Signature] 1/3/19
HR Representative Date

Copies:

HR
File

[Signature] 1-3-19

FEB 27 2020